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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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White and Case LLP
Attn: Patent Department
1155 Avenue of the Americas
New York, NY 10036

EXAMINER

GELAGAY, SHEWAYE

ART UNIT	PAPER NUMBER
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2133

DATE MAILED: 11/19/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/898,310

Applicant(s)

POO ET AL.

Examiner

Shewaye Gelagay

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on July 03, 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/7/3/01; 7/10/7/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION***Claim Objections***

1. Claim 5 is objected to because of the following informalities:

Line 2, the word "or" is a typo and should be changed to "of". Appropriate correction is required.

Claim Rejections - 35 USC § 101

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-21 are provisionally rejected under the judicially created doctrine of double patenting over claims 1, 7, 14, 15, 17 and 20 of copending Application No. 09/898,365. Although the conflicting claims are not identical, they are not patentably distinct from each other because the application '365 teaches all the claims limitation except the differences that are underlined in the following table:

Application 09/898310	Application 09/898365
1. A portable device comprising: a microprocessor; and a biometrics-based	1. A portable device comprising: a microprocessor; a non-volatile memory

authentication module coupled to and controlled by the microprocessor, wherein access to a restricted resource, the restricted resource having a communication port communicatively coupled to the portable device, is granted to a user provided that the biometrics-based authentication module authenticates the user's identity and wherein access to the restricted resource is denied to the user otherwise.

5. The portable device as recited in claim 1 further comprising a non-volatile memory capable of storing biometrics information usable for authentication.

11. A biometrics-based access control system for controlling access to a restricted resource, comprising: a portable device which includes a non-volatile memory and a biometrics-based authentication module coupled thereto, wherein the biometrics-based authentication module is configured to (1) capture a first biometrics marker; (2) store the first biometrics marker in the non-volatile memory; (3) capture a second biometrics marker; and (4) determine whether the second biometrics marker can be authenticated against the first biometrics marker, and wherein access to the restricted resource is granted upon a determination of successful authentication and wherein access to the restricted resource is denied otherwise.

coupled to the microprocessor; and a biometrics-based authentication module coupled to and controlled by the microprocessor, wherein access to the non-volatile memory is granted to a user provided that the biometrics-based authentication module authenticates the user's identity and wherein access to the non-volatile memory is denied to the user otherwise.

7. A portable device comprising: a bus; a microprocessor coupled to the bus; a non-volatile memory coupled to the bus; and a biometrics-based authentication module coupled to the bus, wherein under the control of the microprocessor the biometrics-based authentication module is configured to (1) capture a first biometrics marker; (2) store the first biometrics marker in the non-volatile memory; (3) capture a second biometrics marker; and (4) determine whether the second biometrics marker can be authenticated against the first biometrics marker.

14. The portable device as recited in claim 7 wherein the microprocessor is configured to enable access to the non-volatile memory upon a determination of authentication success by the biometrics-based authentication module.

15. The portable device as recited in claim 7 wherein the microprocessor is configured to disable access to the non-volatile memory upon a determination of authentication failure by the biometrics-based authentication module.

<p>17. A biometrics-based access control method for controlling <u>access to a restricted resource</u> and implemented using a portable device, the method comprising the steps of: (a) obtaining a first biometrics marker from a user with a biometrics sensor installed on the portable device; (b) retrieving a registered biometrics marker from a memory of the portable device, the registered biometrics marker having been stored therein during a registration process; (c) comparing the first biometrics marker against the registered biometrics marker; and (d) granting the user <u>access to the restricted resource</u> provided that a match is identified in said step (c).</p>	<p>17. A biometrics-based authentication method implemented using a portable device, the method comprising the steps of: (a) obtaining a first biometrics marker from a user with a biometrics sensor installed on the portable device; (b) retrieving a registered biometrics marker from a memory of the portable device, the registered biometrics marker having been stored therein during a registration process; (c) comparing the first biometrics marker against the registered biometrics marker; and (d) signaling an authentication success provided that a match is identified in said step (c).</p> <p>20. The biometrics-based authentication method as recited in claim 17 wherein said step (d) comprises <u>granting the user access to the non-volatile memory</u>.</p>
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a. Both '310 (claims 1 and 5) and '365 (claim 1) teach a portable device with a microprocessor and non-volatile memory with a biometric-based authentication module. The only exception is ***access to a restricted resource, the restricted resource having a communication port communicatively coupled to a portable device*** as recited in '310 claim 1 and ***access to non-volatile memory*** as recited in '365 claim 1.

However, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the device disclosed by '310 ***access to a restricted resource*** to ***access to a non-volatile memory*** as disclosed in '365. This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so because a non-volatile memory could also be a

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restricted resource in which access is granted or denied by using biometric authentication.

b. Both '310 (claim 11) and '365 (claims 7, 14, 15) teach a portable device with a biometric-based authentication module wherein it is configured to capture a first biometrics marker, store the first biometrics marker, capture a second biometrics marker and determine whether the second biometrics marker can be authenticated against the first biometrics marker. The only exceptions are *a bus* as recited in '365 (claim 7) *and access to non-volatile memory* as recited in '365 (claims 14 and 15) and *access to the restricted resource* as recited in '310 (claim 11).

However, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the device disclosed by '310 *access to a restricted resource to access to a non-volatile memory* as disclosed in '365. This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so because a non-volatile memory could also be a restricted resource in which access is granted or denied by using biometric authentication.

In addition, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the device disclosed by '310 to include a bus. This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so in order to transfer data among the components of a device system such as a microprocessor and a non-volatile memory.

c. Both '310 (claim 17) and '365 (claims 17 and 20) teach a biometric-based access control method comprising the steps of: obtaining first biometrics marker, retrieving a registered biometrics marker, comparing the first biometrics marker against the registered biometrics marker and granting the user access provided that a match is identified. The only exception is **access to a restricted resource** as recited in '310 claim 17 and **access to non-volatile memory** as recited in '365 claim 20.

However, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the device disclosed by '310 **access to a restricted resource** to **access to a non-volatile memory** as disclosed in '365. This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so because a non-volatile memory could also be a restricted resource in which access is granted or denied by using biometric authentication.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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5. Claims 1, 2, 4, 5, 7, 11, 12, 14, 15, 17, 18 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Bialick et al. United States Letters Patent No. 6,088,802.

As per claim 1:

Bialick et al. teach a portable device comprising:

a microprocessor; and (Figure 8, item 801)

a biometrics-based authentication module coupled to and controlled by the microprocessor (Col. 5; lines 1-2; the peripheral device also provides the capability to accept biometric input to enable user authentication to the host computing device), wherein access to a restricted resource, the restricted resource having a communication port communicatively coupled to the portable device (see figure 6), is granted to a user provided that the biometrics-based authentication module authenticates the user's identity and wherein access to the restricted resource is denied to the user otherwise. (Col. 14; lines 50-52; biometric user authentication to a host computing device is made before allowing access to particular data stored on the host computing device.)

As per claim 2:

The rejection of claim 1 is incorporated and further Bialick et al. disclose the biometrics-based authentication module is a fingerprint authentication module. (Col. 14, lines 26-28; a sensor for sensing the fingerprint of the finger, the content of the sensed fingerprint being converted into digital data by the device.)

As per claim 4:

The rejection of claim 1 is incorporated and further Bialick et al. disclose the biometrics-based authentication module comprises a biometrics sensor fitted on one surface of the portable device. (Col. 14, lines 48-49; a peripheral device includes a biometric device which includes a sensor for sensing the fingerprint)

As per claim 5:

The rejection of claim 1 is incorporated and further Bialick et al. disclose a non-volatile memory capable of storing biometrics information usable for authentication. (Figure 8, item 803; Col. 16; lines 10-11; the first memory device can be a non-volatile data storage device which can be used to store computer programs and persistent data.)

As per claim 7:

The rejection of claim 1 is incorporated and further Bialick et al. disclose the restricted resource comprises a host computer. (Col. 14; lines 50-51; to enable user authentication to a host computing device.)

As per claim 11:

Bialick et al. teach a biometrics-based access control system for controlling access to a restricted resource, comprising:

a portable device which includes a non-volatile memory (Figure 8, item 803) and a biometrics-based authentication module coupled thereto, wherein the biometrics-based authentication module is configured to (1) capture a first biometrics marker; (Col. 14, lines 55-56; an appropriate library of biometric data representing a predetermined group of people; which indicates obtaining the biometrics of authorized users the first

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time) (2) store the first biometrics marker in the non-volatile memory; (Col. 14; lines 57-58; the library data can be stored in a memory device of the peripheral device) (3) capture a second biometrics marker; (Col.14; line 54; obtain biometric data from a user) and (4) determine whether the second biometrics marker can be authenticated against the first biometrics marker, and wherein access to the restricted resource is granted upon a determination of successful authentication and wherein access to the restricted resource is denied otherwise. (Col. 14; lines 50-52; biometric user authentication to a host computing device is made before allowing access to particular data stored on the host computing device.)

As per claim 12:

The rejection of claim 11 is incorporated and further Bialick et al. disclose the biometrics-based authentication module is a fingerprint authentication module. (Col. 14, lines 26-28; a sensor for sensing the fingerprint of the finger, the content of the sensed fingerprint being converted into digital data by the device.)

As per claim 14:

The rejection of claim 11 is incorporated and further Bialick et al. disclose the biometrics-based authentication module comprises a biometrics sensor which is structurally integrated with the portable device in a unitary construction, the biometrics sensor being disposed on one surface of the portable device. Col. 14, lines 48-49; a peripheral device includes a biometric device which includes a sensor for sensing the fingerprint)

As per claim 15:

The rejection of claim 11 is incorporated and further Bialick et al. disclose the non-volatile memory of the portable device comprises flash memory. (Figure 8, item 803)

As per claim 17:

Bialick et al. teach a biometrics-based access control method for controlling access to a restricted resource and implemented using a portable device, the method comprising the steps of: (a) obtaining a first biometrics marker from a user with a biometrics sensor installed on the portable device; (Col.14; line 54; obtain biometric data from a user) (b) retrieving a registered biometrics marker from a memory of the portable device, the registered biometrics marker having been stored therein during a registration process; (Col. 14; lines 57-58; the library data can be stored in a memory device of the peripheral device; the stored biometrics has to be retrieved in order to compare it with the newly obtained biometrics) (c) comparing the first biometrics marker against the registered biometrics marker; (Col. 14; lines 54-56; comparing the biometric data to an appropriate library of biometric data representing a predetermined group of people.) and (d) granting the user access to the restricted resource provided that a match is identified in said step (c). (Col. 14; lines 50-52; biometric user authentication to a host computing device is made before allowing access to particular data stored on the host computing device.)

As per claim 18:

The rejection of claim 17 is incorporated and further Bialick et al. disclose biometrics-based access control method as recited in claim 17 wherein the registered

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biometrics marker is a fingerprint. (Col. 14, lines 26-28; a sensor for sensing the fingerprint of the finger, the content of the sensed fingerprint being converted into digital data by the device.)

As per claim 20:

The rejection of claim 17 is incorporated and further Bialick et al. disclose the step of denying the user access to the restricted resource provided that a match is not identified in said step (c). (Col. 14; lines 50-52; biometric user authentication to a host computing device is made before allowing access to particular data stored on the host computing device. the user authentication is made in order to grant or deny access to the host computer depending the result of the comparison)

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 6, 8, 16, 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bialick et al. United States Letters Patent No. 6,088,802.

As per claim 6:

Bialick et al. teach all the subject matter as described above. Bialick et al. further disclose the peripheral device driver can be implemented so that the user must successfully enter an acceptable access code (e.g., a password or PIN) before the user is enabled to use the peripheral device. (Col. 10; lines 45-47) Not explicitly disclosed by Bialick et al. is that, the microprocessor is configured to provide a bypass mechanism for authentication upon a determination of authentication failure by the biometrics-based authentication module. However, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Bialick et al.'s method to include a microprocessor that is configured to provide a bypass mechanism for authentication upon a determination of authentication failure by the biometrics-based authentication module. This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so by the suggestion provided by Bialick et al., in order to use the security functionality, thus enabling a layer of security that protects the integrity of the restricted resources.

As per claim 8:

Bialick et al. teach all the subject matter as described above. Bialick et al. further disclose the peripheral device can be made accessible to the host computing device via

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an appropriate interface such as network connection. (Col. 9; lines 9-11) Not explicitly disclosed by Bialick et al. is that, the restricted resource comprises a communication network. However, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Bialick et al.'s method to include the restricted resource comprises a communication network. This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so by the suggestion provided by Bialick et al., in order to use the security functionality of host computing device to a communication network.

As per claim 16:

Bialick et al. teach all the subject matter as described above. Bialick et al. further disclose the peripheral device driver can be implemented so that the user must successfully enter an acceptable access code (e.g., a password or PIN) before the user is enabled to use the peripheral device. (Col. 10; lines 45-47) Not explicitly disclosed by Bialick et al. is that, a bypass mechanism for authentication is provided upon a determination of authentication failure by the biometrics-based authentication module.

However, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Bialick et al.'s method to include a bypass mechanism for authentication is provided upon a determination of authentication failure by the biometrics-based authentication module. This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so by the suggestion provided by Bialick et al., in order to use the security

functionality, thus enabling a layer of security that protects the integrity of the restricted resources.

As per claim 19:

Bialick et al. teach all the subject matter as described above. Bialick et al. further disclose the peripheral device can be used to encrypt or decrypt data stored. Not explicitly disclosed by Bialick et al. is that, the registered biometrics marker is stored in an encrypted format.

However, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Bialick et al.'s method to include the registered biometrics marker is stored in an encrypted format. This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so by the suggestion provided by Bialick et al., in order to enhance the security of the biometrics-based access control method.

As per claim 21:

Bialick et al. teach all the subject matter as described above. Bialick et al. further disclose the peripheral device driver can be implemented so that the user must successfully enter an acceptable access code (e.g., a password or PIN) before the user is enabled to use the peripheral device. (Col. 10; lines 45-47) Not explicitly disclosed by Bialick et al. is that, providing the user with a bypass authentication procedure provided that a match is not identified in said step (c).

However, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Bialick et al.'s method to include providing

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the user with a bypass authentication procedure provided that a match is not identified in said step (c). This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so by the suggestion provided by Bialick et al., in order to use the security functionality, thus enabling a layer of security that protects the integrity of the restricted resources.

8. Claims 3 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bialick et al. United States Letters Patent No. 6,088,802 and in view of Bjorn United States Letters Patent No. 6,799,275 .

As per claim 3:

Bialick et al. teach all the subject matter as described above. In addition, Bialick et al. disclose a communication interfaces, such as a smart card interface, a serial interface or a SCSI interface or an IDE interface. Not explicitly disclosed by Bialick et al. is that the portable device, which is communicatively coupled to the communication port of the restricted resource via a universal serial bus (USB).

Bjorn in analogous art, however, teaches a device which is communicatively coupled to the communication port of the restricted resource via a universal serial bus (USB). (Col. 2, lines 59-60; the digital connection is a data bus, which conforms to a universal serial bus (USB) standard.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the method disclosed by Bialick et al. to include a device which is communicatively coupled to the communication port of the restricted resource via a universal serial bus (USB). This modification would have been

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obvious because a person having ordinary skill in the art would have been motivated to do so, as suggested by Bjorn, in order to provide a faster transfer of digitized image.

As per claim 13:

Bialick et al. teach all the subject matter as described above. In addition, Bialick et al. disclose a communication interfaces, such as a smart card interface, a serial interface or a SCSI interface or an IDE interface. Not explicitly disclosed by Bialick et al. the portable device is communicatively coupled to a communication port of the restricted resource via a universal serial bus (USB).

Bjorn in analogous art, however, teaches a device which is communicatively coupled to the communication port of the restricted resource via a universal serial bus (USB). (Col. 2, lines 59-60; the digital connection is a data bus, which conforms to a universal serial bus (USB) standard.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the method disclosed by Bialick et al. to include a device which is communicatively coupled to the communication port of the restricted resource via a universal serial bus (USB). This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so, as suggested by Bjorn, in order to provide a faster transfer of digitized image.

9. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bialick et al. United States Letters Patent No. 6,088,802 and in view of Burger United States Letters Patent No. 6,219,439.

As per claim 9:

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Bialick et al. teach all the subject matter as described above. In addition, Bialick et al. disclose the restricted resource comprises a host computer. Not explicitly disclosed by Bialick et al. is the restricted resource is a real estate premises that imposes access restrictions.

Burger in analogous art, however, teaches the restricted resource is a real estate premises that imposes access restrictions. (Figure 2; Col. 6; lines 39-40; a user attempts to gain access through the door by inserting their card into the reader so that the stored template of their fingerprint can be read.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the method disclosed by Burger to include the restricted resource is a real estate premises that imposes access restrictions. This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so, as suggested by Burger, (Col. 3; line 38) in order to provide an open, stand-alone system which protects the real estate premises by enforcing proper biometric authentication.

As per claim 10:

Bialick et al. teach all the subject matter as described above. In addition, Bialick et al. disclose the restricted resource comprises a host computer. Not explicitly disclosed by Bialick et al. is the restricted resource is an operable machinery, the safe operation of which requires training.

Burger in analogous art, however, teaches the restricted resource is an operable machinery, the safe operation of which requires training. (Col. 8; lines 27-28; the system can be mounted to the dashboard to control use of the steering wheel.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the method disclosed by Burger to include the restricted resource is an operable machinery, the safe operation of which requires training. This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so, as suggested by Burger, (Col. 3; line 38) in order to provide an open, stand-alone system which protects the machinery by enforcing proper biometric authentication.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Novoa et al. U.S. 6,636,973

This reference pertains to improved security during log on process.

b. Brown et al. U.S. 6,618,806

This reference pertains to a rule based biometric user authentication method and system in a computer network environment.

c. Baird, III et al. U.S. 6,732,278

This reference pertains to a device for providing access to a remote site through an authentication process during which a user password and biometrics are provided.

d. McKeeth U.S. 6,766,456

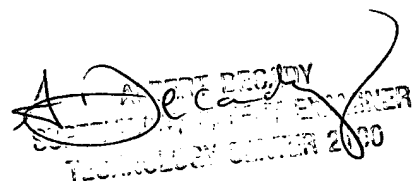
This reference pertains to a method and system for authenticating a user to access a computer system.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shewaye Gelagay whose telephone number is 703-305-1338. The examiner can normally be reached on 8:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on 703-305-9595. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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